IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 3RD AUGUST, 2007 / 12TH SRAVANA, 1929

WP(C).No. 23797 of 2007(G)

PETITIONER:

CHIEF EXECUTIVE OFFICER,
TRAVANCORE SOFTWARE SOLUTIONS PVT. LTD.,
C-1, GAYATHRI, THECHNOPARK CAMPUS, TRIVANDRUM.

BY ADV. SRI.ANIL NARAYANAN
SMT.A.K.PREETHA

RESPONDENTS:

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1. THE ASST. P.F. COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
BHAVISHYANIDHI BHAVAN, THIRUVANANTHAPURAM-4.

2. EMPLOYEES PROVIDENT FUND ORGANISATION,
BHAVISHYANIDHI BHAVAN, THIRUVANANTHAPURAM-4,
REP. BY REGIONAL PROVIDENT FUND COMMISSIONER.

BY STANDING COUNSEL SMT.T.N.GIRIJA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 23797 OF 2007 - G

Dated this the 3rd day of August, 2007

J U D G M E N T

The petitioner challenges Ext.P8 order passed by the first respondent- the Assistant Provident Fund Commissioner on a petition filed by the petitioner under Section 7B(1) of the Employees Provident Funds and Miscellaneous Provisions Act (for short 'the Act') seeking review of Ext.P6 order passed under Section 7A of the Act. The grievance of the petitioner is that Ext.P8 order has been passed without hearing the petitioner.

2. I have heard the learned Standing Counsel appearing for the Employees' Provident Fund Organisation also.

3. A person, aggrieved by an order under Section 7A of the Act, has a right to file an application under Section 7B of the Act. That can be disposed of only after affording an opportunity of being heard to the person filing the same. Admittedly, as is evident from Ext.P8 itself, no such opportunity of hearing was afforded to the

petitioner. Ext.P8 is liable to be quashed on that ground alone.

4. Accordingly, I quash Ext.P8 and direct the first respondent to re-consider Ext.P7 application under Section 7B(1) of the Act after affording an opportunity of being heard to the petitioner. While passing fresh orders, the first respondent shall enter findings on all the contentions raised by the petitioner. Till passing of fresh orders, further proceedings pursuant to Ext.P6 shall be kept in abeyance.

The writ petition is disposed of with the above direction.

Sd/-
S. SIRI JAGAN,
Judge

Mbs/

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007